

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Henry Oliver	Team: Squad #3	CCRB Case #: 201805771	<input type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Monday, 07/16/2018 10:25 PM	Location of Incident: § 87(2)(b)	Precinct: 43	18 Mo. SOL 1/16/2020	EO SOL 1/16/2020	
Date/Time CV Reported Tue, 07/17/2018 2:54 PM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Tue, 07/17/2018 2:54 PM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Witness(es)	Home Address
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. POM Dino Vucetovic	17924	959347	043 PCT
2. POM Sean Higgins	01585	932790	043 PCT
3. POM Christopher Curtin	16956	960415	043 PCT
4. POM Marvin Mccrea	12655	954117	043 PCT
5. An officer			

Officer(s)	Allegation	Investigator Recommendation
A.POM Marvin Mccrea	Abuse: Police Officer Marvin Mccrea damaged § 87(2)(b)'s property.	§ 87(2)(b)
B.POM Sean Higgins	Abuse: Police Officer Sean Higgins entered § 87(2)(b) in the Bronx.	§ 87(2)(b)
C.POM Dino Vucetovic	Abuse: Police Officer Dino Vucetovic entered § 87(2)(b) in the Bronx.	§ 87(2)(b)
D.POM Marvin Mccrea	Abuse: Police Officer Marvin Mccrea entered § 87(2)(b) in the Bronx.	§ 87(2)(b)
E.POM Christopher Curtin	Abuse: Police Officer Christopher Curtin entered § 87(2)(b) in the Bronx.	§ 87(2)(b)
F.POM Marvin Mccrea	Abuse: Police Officer Marvin Mccrea refused to provide his name and shield number to § 87(2)(b)	§ 87(2)(b)
G.POM Marvin Mccrea	Discourtesy: Police Officer Marvin Mccrea spoke discourteously to § 87(2)(b)	§ 87(2)(b)
H.POM Marvin Mccrea	Abuse: Police Officer Marvin Mccrea threatened to arrest § 87(2)(b)	§ 87(2)(b)
I.POM Marvin Mccrea	Abuse: Police Officer Marvin Mccrea threatened to notify Administration for Children's Services.	§ 87(2)(b)
J.POM Marvin Mccrea	Abuse: Police Officer Marvin Mccrea searched § 87(2)(b) Apt 3A in the Bronx.	§ 87(2)(b)
K. An officer	Abuse: An officer searched § 87(2)(b) in the Bronx.	§ 87(2)(b)

Case Summary

On July 17, 2018, § 87(2)(b) filed this complaint, over the phone, with the CCRB.

On July 16, 2018, at approximately 8:00 p.m., § 87(2)(b) called officers to her apartment located at § 87(2)(b) in the Bronx, regarding a dispute she was having with her mother, § 87(2)(b) the complainant. PO Marvin McCrea and PO Christopher Curtin, of the 43rd Precinct, arrived to the location, took a report regarding the dispute, and left. At approximately 10:00 p.m., § 87(2)(b) called officers back to her apartment regarding damage that had been done to the front door, and regarding the dispute. § 87(2)(b) alleged that PO McCrea damaged her front door and the locks on the door during the earlier interaction (**Allegation A: Abuse of Authority; § 87(2)(g)**). At approximately 10:25 p.m., PO Dino Vucetovic and PO Sean Higgins, of the 43rd Precinct, arrived to the location. At that time, PO Vucetovic and PO Higgins allegedly entered § 87(2)(b)'s apartment (**Allegations B and C: Abuse of Authority; § 87(2)(g)**). Approximately fifteen minutes later, PO McCrea and PO Christopher Curtin, the 43rd Precinct, responded to the location a second time. At that time, PO McCrea and PO Curtin allegedly entered § 87(2)(b)'s apartment (**Allegations D and E: Abuse of Authority; § 87(2)(g)**). During the encounter, PO McCrea allegedly refused to provide his information to § 87(2)(b) (**Allegation F: Abuse of Authority; § 87(2)(g)**), spoke discourteously to § 87(2)(b) (**Allegation G; § 87(2)(g)**), threatened to arrest her (**Allegation H; § 87(2)(g)**), and threatened to call ACS and have her § 87(2)(b)-year-old daughter, § 87(2)(b) removed from the apartment (**Allegation I; § 87(2)(g)**). PO McCrea and an unidentified officer allegedly searched the bedrooms, kitchen, and living room area of the apartment before officers left the location (**Allegation J: Abuse of Authority; § 87(2)(g)**; **Allegation K; § 87(2)(g)**).

No video footage was obtained regarding the incident.

Allegation A – Abuse of Authority: Police Officer Marvin McCrea damaged § 87(2)(b)'s property.

It is undisputed that PO McCrea and PO Curtin arrived to the location first, regarding § 87(2)(b) being locked out of her apartment. The actions officers took during this job are in dispute.

In her CCRB statement, § 87(2)(b) explained that at approximately 5:00 p.m., while she was at the movie theater with her § 87(2)(b)-year-old daughter, § 87(2)(b) she received a call from her daughter § 87(2)(b) who stated that she was locked out of the apartment. § 87(2)(b) told § 87(2)(b) to wait at her sister § 87(2)(b)'s home until she could retrieve her. Approximately an hour later, § 87(2)(b) received a call from her neighbor, who § 87(2)(b) would not name, indicating that two women claiming to be § 87(2)(b)'s daughters were in front of her apartment, and that the police were breaking down her door. § 87(2)(b) left the theater with § 87(2)(b) and arrived at her apartment at approximately 7:00 p.m. She called officers to the apartment and approximately an hour and a half later, an officer, determined by the investigation to be PO McCrea, arrived to her apartment with another, unidentified male officer. PO McCrea told § 87(2)(b) that he had broken her door, and when she asked why, PO McCrea told her he broke her door down to let her § 87(2)(b)-year-old daughter into the apartment.

§ 87(2)(b) provided photos of broken locks, and a locksmith fixing the locks on what she indicated was her apartment door. The photos are not dated, and the investigation could not determine when the photos were taken or if they corroborated § 87(2)(b)'s account of what occurred. § 87(2)(b) became uncooperative after providing her statement and could not be reached to provide additional details regarding the incident.

§ 87(2)(b) and § 87(2)(b) were uncooperative with the investigation and could not be interviewed to provide testimony.

In his CCRB statement, PO McCrea indicated that he and PO Curtin responded to a call regarding a dispute at the incident location, at approximately 8:00 p.m. When he arrived, he met § 87(2)(b) and § 87(2)(b) outside of § 87(2)(b) in the Bronx. § 87(2)(b) indicated that she was locked out of the apartment, and that her mother often changed the locks on the apartment door without notice to keep her out of the apartment. § 87(2)(b) said that she already gained entry to the apartment before officers arrived, but PO McCrea did not know how she gained entry. Officers interacted with the sisters for approximately twenty minutes, before filing a DIR for § 87(2)(b) regarding the ongoing dispute she was having with her mother, and leaving the location. PO McCrea and PO Curtin never entered the apartment building, and never observed any damage done to § 87(2)(b)'s door at that time. PO McCrea never damaged the apartment door or the locks on § 87(2)(b)'s door. He did not recall the state of § 87(2)(b)'s door upon his second arrival to the location. He did not recall if § 87(2)(b) ever made any complaints or statements about her door during their interaction. He did not recall if § 87(2)(b) asked him if he broke into the apartment, and did not recall if she posed this question to any of the other officers present. No officers took that action while he was present, and he never learned that officers had damaged the door or the locks on the door.

PO Curtin's statement is consistent with PO McCrea, in that he and PO McCrea spoke with § 87(2)(b) and § 87(2)(b) outside of the apartment building and never entered the apartment building, and in that § 87(2)(b) indicated she had gained entry into the apartment before officers arrived to the location, but did not indicate how she was able to enter. PO Curtin did not damage § 87(2)(b)'s property, and did not observe any officers take that action while he was present. PO Curtin did not recall observing any damage done to § 87(2)(b)'s door upon his second arrival to the location. § 87(2)(b) never made any complaints that damage had been done to her door or to her locks. She never asked him if officers had damaged the door or the locks, and he did not recall if that statement was made to other officers present.

In his CCRB statement, PO Higgins noted that he did not observe any damage done to the front door of the apartment, or to the locks on the door to the apartment. § 87(2)(b) did not make any complaints about actions officers had taken earlier that day, and never complained about the locks on the front door of her apartment being damaged. § 87(2)(b) never accused officers of damaging her apartment door or the locks on the door. She never mentioned that § 87(2)(b) had damaged the door or the locks on the door, and never mentioned her damaging any other areas of the apartment.

In his CCRB statement, PO Vucetovic noted he did not make any observations about the state of § 87(2)(b)'s front door or observe any damage on it. PO Vucetovic did not recall whether § 87(2)(b) made any complaints about her door being broken during the incident. He did not observe any officer damaging § 87(2)(b)'s property, and never learned that such action had been taken.

Event #§ 87(2)(b) indicates that at 7:36 p.m., on the date of the incident, a female caller, determined by the investigation to be § 87(2)(b) located at § 87(2)(b) in the Bronx, stated that her mother changed the locks to the apartment, and locked her out. The caller stated that she went into the apartment through the window. The job is marked as a family dispute (BR 01).

Event #§ 87(2)(b) indicates that at 10:02 p.m., a female caller, determined by the investigation to be § 87(2)(b) located at § 87(2)(b) in the Bronx, stated that her daughter broke her door, and requested officers to come to the location to file a report. At 10:28 p.m., § 87(2)(b) called again indicating that her daughter, who she had not seen in months, broke into the apartment and “tore up” everything in the house (BR 02).

§ 87(2)(g)
§ 87(2)(g)
§ 87(2)(g)
§ 87(2)(g)
§ 87(2)(g)
§ 87(2)(g)
§ 87(2)(g)
§ 87(2)(g)
§ 87(2)(g)

Allegation B – Abuse of Authority: Police Officer Sean Higgins entered § 87(2)(b) in the Bronx.

Allegation C – Abuse of Authority: Police Officer Dino Vucetovic entered § 87(2)(b) in the Bronx.

Allegation D – Abuse of Authority: Police Officer Marvin McCrea entered § 87(2)(b) in the Bronx.

Allegation E – Abuse of Authority: Police Officer Christopher Curtin entered § 87(2)(b) in the Bronx.

Which officers interacted with § 87(2)(b) and whether these interactions took place inside of § 87(2)(b)'s apartment are in dispute. Though the description provided by § 87(2)(b) for PO McCrea's partner did not match any officer's pedigree information, the entry is pled against all four officers, as the only four officers who arrived to the location during the incident.

In her CCRB Statement, § 87(2)(b) noted that only two officers responded to her 911 call. § 87(2)(b) indicated that a black male officer, determined by the investigation to be PO McCrea, and another, unidentified Hispanic male officer, arrived to her apartment. § 87(2)(b) met the officers on the landing in front of her apartment door with § 87(2)(b) PO

McCrea and the unidentified male officer walked past § 87(2)(b) and § 87(2)(b) and entered her apartment. § 87(2)(b) never gave the officers permission to enter her apartment, and followed the officers inside. She asked officers to leave, but PO McCrea told her to “shut up” and no officer complied with the request.

§ 87(2)(b) and § 87(2)(b) were uncooperative with the investigation and could not be interviewed to provide testimony.

In his CCRB statement, PO McCrea noted that he and PO Curtin responded to the location a second time, after receiving a call from either PO Higgins or PO Vucetovic, asking to assist with the dispute since he spoke with § 87(2)(b)'s daughters earlier that day. PO McCrea could not recall if PO Higgins and PO Vucetovic were inside of the apartment at the time he and PO Curtin arrived. § 87(2)(b) invited all the officers into her apartment in order to assist with filing a report for the dispute she was having with § 87(2)(b) but PO McCrea could not recall if she did so verbally, or with a beckoning motion with her hand. He did not note any other reasons why he and the other officers entered, and noted that the entry was not forceful. He did not recall if § 87(2)(b) ever asked officers to leave her apartment.

PO Curtin's statement is consistent with PO McCrea's in that PO McCrea spoke with an officer from the responding unit, either PO Higgins or PO Vucetovic, regarding their earlier conversation with § 87(2)(b). It is inconsistent in that PO Curtin indicated that officers never entered the apartment and never crossed the threshold of the doorway. Upon his arrival, PO Higgins and PO Vucetovic were standing just outside of the doorway of § 87(2)(b)'s apartment. He and PO McCrea stood behind PO Higgins and Vucetovic during the incident. § 87(2)(b) asked officers to leave the location after a DIR was filed regarding her dispute with § 87(2)(b) and they complied.

In his CCRB Statement, PO Higgins said that he and PO Vucetovic entered the apartment building through an unlocked front door, walked up to § 87(2)(b)'s apartment, and knocked. § 87(2)(b) greeted the officers at her door, stepped away from the door, and leaned against the kitchen countertop directly inside of the door. He believed this implied that he could enter the apartment. PO Higgins stepped through the doorway, and leaned his back against the front door, which opened inward into the apartment. § 87(2)(b) never objected to officers entering the apartment. PO Vucetovic stood behind him, past the door frame, inside of the apartment. Upon their arrival, PO McCrea and PO Curtin stood inside of the door frame, while PO McCrea spoke with § 87(2)(b).

PO Vucetovic stated that he could not recall how he and PO Higgins gained entry into the building, but indicated that “99%” of his interactions with § 87(2)(b) took place inside of her apartment. He could not recall if § 87(2)(b) let him and PO Higgins into the apartment building herself or if she had buzzed them into the building. § 87(2)(b) gave him and PO Higgins her consent for them to enter, but he could not recall how she consented for their entry. PO McCrea and PO Curtin arrived shortly after he and PO Higgins arrived, and entered the apartment. The door was open when PO McCrea and PO Curtin arrived. He could not recall if they asked permission to enter the apartment, or if § 87(2)(b) invited them in verbally or physically. § 87(2)(b) never told the officers to leave her apartment during the incident.

The Event Unit information for #§ 87(2)(b) lists units 43A1 and 43RES1 as the only two units to respond to the incident location. The document also indicates that 43A1 arrived approximately fifteen minutes before 43RES1 (BR 03).

According to the 43rd Precinct's tour three roll call, PO Higgins and PO Vucetovic were assigned to unit 43A1, and PO McCrea and PO Curtin were assigned to 43RES1 on the date of the incident (BR 04).

§ 87(2)(g)
[REDACTED]

Allegation F – Abuse of Authority: Police Officer Marvin McCrea refused to provide his name and shield number to § 87(2)(b)

Whether § 87(2)(b) requested PO McCrea's information, and whether he provided this to her are in dispute.

According to her CCRB statement, after PO McCrea told her that he had broken her door, she asked him for his name and shield number. PO McCrea told her not to worry about it, and that it was none of her concern. § 87(2)(b) asked PO McCrea for his information three times, and he never provided her with the information. § 87(2)(b) never asked for the other unidentified officer's information.

PO McCrea did not recall if § 87(2)(b) ever asked for his information, and never refused to provide his information to § 87(2)(b). No other officer refused to provide their information to § 87(2)(b) while he was present.

PO Higgins indicated that § 87(2)(b) never asked for his information or any other officer's information during the incident. PO Higgins did not observe another officer refuse to provide their information to § 87(2)(b) during their interaction.

§ 87(2)(g)
[REDACTED]

Allegation G – Discourtesy: Police Officer Marvin McCrea spoke discourteously to § 87(2)(b)

It is undisputed that PO McCrea interacted with § 87(2)(b) during the incident. Whether he used profanity during this encounter is in dispute.

§ 87(2)(b) explained that upon PO McCrea's arrival, he stated that he spoke with her over the phone during his interaction with § 87(2)(b) and that she indicated she was on vacation. § 87(2)(b) said she never spoke with him over the phone, and suspected that a friend of § 87(2)(b) pretended to be her during the call. § 87(2)(b) attempted to show PO McCrea her text conversation with § 87(2)(b) which noted that she was at the movie theater at the time § 87(2)(b) was locked out of the apartment, but he would not look at the texts. PO McCrea told § 87(2)(b) that she was a "fucking liar," and told her, "Stop trying to bullshit me, because I don't have time for your shit."

§ 87(2)(b) and § 87(2)(b) were uncooperative with the investigation and could not be interviewed to provide testimony.

In his CCRB statement, PO McCrea noted that during his interaction with § 87(2)(b) and § 87(2)(b) he asked § 87(2)(b) to contact her mother over the phone, so that he could get a statement from her regarding the dispute. The woman on the phone indicated that § 87(2)(b) and § 87(2)(b) were her daughters, stated that § 87(2)(b) did not live at the apartment, and that she "comes and goes" as she pleases from the apartment. When PO McCrea interacted with § 87(2)(b) in person, he did not reference the conversation he had on the phone with her. PO McCrea never referred to § 87(2)(b) as "a fucking liar," and never made the statement, "Stop trying to bullshit me, I don't have time for your shit." He never used profanity during his interaction with § 87(2)(b).

PO Curtin's statement is inconsistent with PO McCrea's in that he stated PO McCrea referenced his phone conversation with § 87(2)(b) during the incident, and § 87(2)(b) stated that it was her that PO McCrea spoke with over the phone. However, no officer referred to § 87(2)(b) as a "fucking liar," and no officer made the statement, "Stop trying to bullshit me. I don't have time for your shit" while he was present. No officer used profanity with § 87(2)(b) while he was present.

In their CCRB statements, PO Higgins and PO Vucetovic stated that they did not recall mention of a phone call between PO McCrea and § 87(2)(b). They stated that no officer referred to § 87(2)(b) as a "fucking liar," or made the statement "Stop trying to bullshit me, I don't have time for your shit." They did not use profanity towards § 87(2)(b) and did not hear any officer use profanity during their interaction with her.

§ 87(2)(g)
§ 87(2)(g)
§ 87(2)(g)
§ 87(2)(g)

Allegation H – Abuse of Authority: Police Officer Marvin McCrea threatened to arrest

§ 87(2)(b)
Whether § 87(2)(b) lives at the incident location, whether PO McCrea threatened § 87(2)(b) with arrest, and what the threat of arrest was issued for are in dispute.

In her CCRB statement, § 87(2)(b) noted that PO McCrea threatened to arrest her multiple times during the incident. PO McCrea told § 87(2)(b) that if she continued to deny that she had spoken with him over the phone, he would “lock her up.” Each time § 87(2)(b) requested information from PO McCrea, or attempted to provide a statement regarding the dispute with her daughter, PO McCrea threatened to arrest her. PO McCrea also told § 87(2)(b) “You’re lucky you have food, otherwise I’ll lock you up and put your daughter with ACS.” § 87(2)(b) believed he threatened to arrest her because he was frustrated about the questions she asked during the encounter. § 87(2)(b) remained calm during the incident because she feared for her and § 87(2)(b) § 87(2)(b)s safety. She did not raise her voice during the encounter because she feared being arrested.

§ 87(2)(b) indicated during her interview that § 87(2)(b) is on her Section 8 lease, but that she has no idea what she does when she is not in contact with her. She noted that § 87(2)(b) receives mail to the apartment, but § 87(2)(b) became uncooperative with the investigation before providing documentation indicating who lives at the apartment.

§ 87(2)(b) and § 87(2)(b) were uncooperative with the investigation and could not be interviewed to provide testimony.

In his statement, PO McCrea noted that during his interaction with § 87(2)(b) and § 87(2)(b) he did not take any steps to verify that § 87(2)(b) lived at the location. Both women indicated that their mother had changed the locks on the apartment to lock § 87(2)(b) out. Later, upon his return to the location, PO McCrea explained to § 87(2)(b) that changing the locks on her apartment door in order to lock § 87(2)(b) out of the apartment was considered an illegal eviction, which is an arrestable offense. He did not recall if § 87(2)(b) ever admitted to changing the locks. PO McCrea noted during his interview that he could have arrested § 87(2)(b) for the illegal eviction at that time, and that she did not engage in any other behavior that she could have been arrested for. He never told her she could be arrested for anything else. He did not recall if he was shown a lease or any other document that indicated who lived at the apartment, and did not take any action to verify whether § 87(2)(b) lived at the apartment.

In his statement, PO Curtin stated that when § 87(2)(b) provided her ID upon his first arrival to the location, he observed the incident location listed as her home address. Upon his second arrival to the location, PO Curtin noted that an officer had a conversation with § 87(2)(b) regarding handling the dispute in housing court, but could not recall whether PO McCrea or PO Higgins made this statement. § 87(2)(b) responded by saying that she owned the apartment and she could do whatever she wanted with it. PO McCrea informed § 87(2)(b) that if she removed someone from the apartment, she was technically committing a crime. § 87(2)(b) became more upset after this statement was made. PO McCrea stated that illegally evicting § 87(2)(b) from her apartment was an arrestable offense, and that § 87(2)(b) could be arrested for removing her daughter from the apartment.

According to PO Higgins’ statement, § 87(2)(b) said that § 87(2)(b) often slept at other places or returned home late, and that she wanted her daughter out of the apartment. PO Higgins informed her that she would need to handle the matter in housing court, and have her

daughter lawfully evicted from her home. PO Higgins indicated that though he was present when the conversation between PO McCrea and § 87(2)(b) took place, he could not hear what they were saying. PO Higgins did not hear any officer mention illegal eviction with § 87(2)(b). He never heard an officer explain to § 87(2)(b) that illegally evicting her daughter was an arrestable offense. PO Higgins could not recall if any other officers spoke with § 87(2)(b) about the consequences of kicking her daughter out of the apartment. § 87(2)(b) was not engaging in any behavior that she could have been arrested for. PO Higgins did not hear any officer threaten to arrest § 87(2)(b) and no other officer indicated that she could be arrested for anything.

PO Vucetovic stated that upon PO McCrea's and PO Curtin's arrival to the location, he learned § 87(2)(b)'s daughter had called the police indicating she had been locked out of the apartment. PO Higgins or PO McCrea told § 87(2)(b) she would need to go to landlord-tenant court to handle the dispute. PO McCrea and PO Curtin told § 87(2)(b) she could not kick her daughter out of her apartment. PO Vucetovic did not recall whether illegal eviction was mentioned to § 87(2)(b) and did not recall whether he or any officer told § 87(2)(b) that illegally evicting § 87(2)(b) was an arrestable offense. No officer told § 87(2)(b) that she could be arrested for anything during the incident, and no officer threatened to arrest her.

§ 87(2)(g)

[REDACTED]

Allegation I – Abuse of Authority: Police Officer Marvin McCrea threatened to notify Administration for Children's Services.

Whether § 87(2)(b)'s youngest daughter, § 87(2)(b) was present during the incident, and whether PO McCrea threatened to notify ACS to have her removed are in dispute.

In her CCRB statement, § 87(2)(b) stated each time PO McCrea threatened to arrest her, he also threatened to notify ACS and have § 87(2)(b) removed from the location. This threat was issued multiple times throughout the incident. § 87(2)(b) did not know why PO McCrea issued this threat, and did not respond to the threats because she feared for her and her daughter's safety. PO McCrea also told § 87(2)(b) "You're lucky you have food,

otherwise I'll lock you up and put your daughter with ACS." She believed PO McCrea threatened her to keep from answering her questions about what the officers were doing in her apartment.

In his CCRB statement, PO McCrea indicated that he did not recall a young child being present at the location at any point. He could not recall the state of the apartment, or whether the apartment was unclean. He did not recall having a conversation with § 87(2)(b) about ACS, and never threatened to call ACS to the location. He did not recall observing anything in the apartment that indicated unsafe living conditions for children, or observing anything that indicated that ACS should be notified.

PO Curtin's statement is consistent with PO McCrea's in that he did not make any observations about the apartment that indicated ACS should be called or that a report should be filed. PO Curtin stated that he did not see a child present at the location. From his location in the hallway, he could only see the living room area of the apartment. When asked about the state of the apartment, he noted that it looked "fine." He did not see any items out of place, the space did not appear unclean. No officer threatened to notify ACS or mentioned ACS in conversation with § 87(2)(b) while PO Curtin was present. No officer commented on the state of the apartment while he was present.

In his statement, PO Higgins noted that a young child, who he believed to be approximately two years old, present during the incident. PO Higgins believed the child to be § 87(2)(b)'s granddaughter. PO Higgins stated that while § 87(2)(b)'s apartment was unclean, he did not believe that the apartment was unsuitable or unsafe for a child. He did not believe any officer commented on the state of § 87(2)(b)'s apartment. PO Higgins did not hear an officer mention ACS in conversation with § 87(2)(b) and did not make any observations that would warrant a call to ACS. No officer threatened to call ACS while he was present.

PO Vucetovic indicated that he was not aware of any other civilians, other than § 87(2)(b) present during the incident. No officer mentioned ACS in their interactions with § 87(2)(b). He never observed anything that led him to believe that the conditions inside of § 87(2)(b)'s apartment were unsafe for a child. No officer threatened to notify ACS during the incident.

§ 87(2)(g)
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Allegation J – Abuse of Authority: Police Officer Marvin McCrea searched § 87(2)(b) in the Bronx.

It is undisputed that § 87(2)(b)'s apartment door opens into a common, living room area and kitchen area with no divider. Though the investigation credits § 87(2)(b)'s statement that officers entered her apartment, whether PO McCrea searched any areas of the apartment is in dispute.

§ 87(2)(b) explained that the living room area of the apartment leads to three separate bedrooms and a bathroom. After officers entered the apartment, PO McCrea instructed her to sit on her couch in the living room, while he entered each bedroom with the unidentified officer he arrived with. § 87(2)(b) could not see what actions PO McCrea and the other officer took, but could hear drawers opening and closing inside the rooms. When § 87(2)(b) asked why the officers were searching her apartment, PO McCrea told her to “shut up,” and threatened to arrest her. PO McCrea also indicated that he needed to check and see if § 87(2)(b) had food in her home, and searched the cabinets in her kitchen. PO McCrea said she was “lucky” she had food, or he would have locked her up. The unidentified officer never searched the kitchen area of the apartment.

In his CCRB statement, PO McCrea noted that aside from speaking with § 87(2)(b) he did not take any further action during the incident. He did not enter the apartment beyond the area just inside of the apartment door. No officer entered further into the apartment than the common kitchen and living room area. No officers entered the bedrooms inside the apartment. No officer performed any searches of the apartment to determine whether the conditions of the space were appropriate for a child. He never opened any drawers in any rooms of the apartment. He never searched anywhere in the kitchen, and never checked to see if there was food inside of the apartment.

PO Curtin’s statement is consistent with PO McCrea’s in that no officers entered or searched any bedrooms inside of the apartment, and that no officers searched any areas of the kitchen.

PO Higgins statement is also consistent with PO McCrea’s in that he indicated that no officers entered any further into the apartment than the initial area directly inside of the apartment door. No officer entered or searched any bedrooms inside of the apartment, and no officer searched any areas of the kitchen.

PO Vucetovic’s statement is consistent with PO McCrea’s in that he stated no officer left the common area of § 87(2)(b)’s apartment, searched any of the bedrooms in the apartment, or searched the kitchen or its contents while he was present.

§ 87(2)(g)
[REDACTED]

Allegation K – Abuse: An officer searched § 87(2)(b) in the Bronx.

Though the investigation determined that four officers arrived to the location, § 87(2)(b) alleged that only two officers arrived; PO McCrea, and another unidentified officer. The investigation was unable to identify the other subject of the search allegation based on the description provided by § 87(2)(b)

§ 87(2)(b) described PO McCrea's partner as a Hispanic male, standing 6'0" tall, in his late thirties to early forties, with a slim build, blonde hair, and wearing a uniform.

As stated above, a review of The Event Unit information and 43rd Precinct's tour three roll call determined that only the four officers noted above arrived to the location.

Having identified PO McCrea as the subject of the majority of § 87(2)(b)'s allegations, given that he was the only black male officer at the location, the undersigned reviewed the MOS photos and pedigree information for PO Higgins, PO Vucetovic, and PO Curtin. No officer fits the description for a Hispanic male, as all three officers are listed as white. PO Vucetovic's age generally matches the description of the subject, however his height and hairstyle are inconsistent with the description. PO Higgins' height matches the description of the subject, but his build and hairstyle are inconsistent with the description. PO Curtin's age, height and hair color are inconsistent with the description of the subject.

Though all responding officers have been identified, § 87(2)(b)'s description of the second subject of the search allegation is inconsistent with the officers' pedigrees. As shown above, all officers stated that no searches were conducted during the incident, making it unclear through officer accounts who the second subject of the search is. § 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

Civilian and Officer CCRB Histories

- This is the first CCRB complaint to which § 87(2)(b) has been a party (BR 05).
- PO McCrea has been a member-of-service for six years and has been a subject in one CCRB complaint, and three allegations, none of which were substantiated. § 87(2)(g)
- PO Curtin has been a member-of-service for three years, and has been named a subject in one CCRB complaints and two allegations, none of which were substantiated. § 87(2)(g)
- PO Higgins has been a member-of-service for fifteen years and has been a subject in fourteen CCRB complaints and twenty-nine allegations, of which one was substantiated:
 - 201807451 involved a substantiated allegation of an entry against PO Higgins. The Board recommended Command Discipline B, and the NYPD has not yet imposed discipline.
 - § 87(2)(g)
- PO Vucetovic has been a member-of-service for three years and this is the first CCRB complaint to which he has been a subject.

Mediation, Civil and Criminal Histories

- § 87(2)(b) declined to mediate this complaint.
- As of January 25, 2018, the New York City Office of the Comptroller has no record of a Notice of Claim being filed in regards to this complaint (BR 06).
- According to the Office of Court Administration (OCA), § 87(2)(b) has no history of convictions in New York City (BR 07).

Squad No.: _____

Investigator: _____

Signature	Print Title & Name	Date
-----------	--------------------	------

Squad Leader: _____

Signature	Print Title & Name	Date
-----------	--------------------	------

Reviewer: _____

Signature	Print Title & Name	Date
-----------	--------------------	------